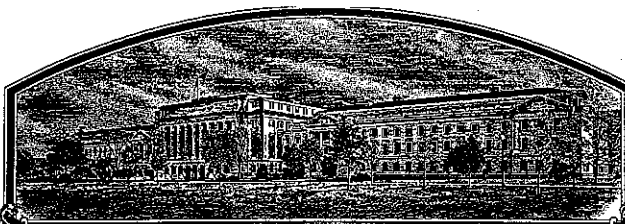


No.

200200057



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pennington Seed, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR USING IT IN PRODUCING A HYBRID OR PLANT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (34 U.S.C. 2601-2611, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

FESCUE, TALL

'Prospect'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this nineteenth day of November, in the year two thousand and four.

Attest:

*[Signature]*  
Commissioner  
Plant Variety Protection Office  
Agricultural Marketing Service

*[Signature]*  
Secretary of Agriculture

U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY DIVISION - PLANT VARIETY PROTECTION OFFICE

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

## APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

(Instructions and information collection burden statement on reverse)

1. NAME OF APPLICANT(S) (as it is to appear on the Certificate)

702  
11/19/04 Pennington Seed, Inc.

2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER

CDG

3. VARIETY NAME

Prospect

4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)

P. O. Box 290  
Madison, GA  
30650

5. TELEPHONE (include area code)

(404) 342 - 1234

FOR OFFICIAL USE ONLY

PVPO NUMBER

200200057

6. FAX (include area code)

(404) 342 - 9644

DATE  
F  
I  
L  
I  
N  
G

December 26, 2001

7. GENUS AND SPECIES NAME

Festuca arundinacea

8. FAMILY NAME (Botanical)

Poaceae

FILING AND EXAMINATION FEE:

\$ 2705-

9. CROP KIND NAME (Common name)

Tall Fescue

DATE

12/26/01

10. IF THE APPLICANT NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) (Common Name)

Corporation

CERTIFICATION FEE:

\$ 432-

11. IF INCORPORATED, GIVE STATE OF INCORPORATION

Delaware

12. DATE OF INCORPORATION

02-12-98

DATE

9/14/04

13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS

Ronnie Stapp  
P. O. Box 290  
Madison, GA 30650

14. TELEPHONE (include area code)

(404) 342 - 1234

15. FAX (include area code)

(404) 342 - 9644

16. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)

- a. ☒ Exhibit A. Origin and Breeding History of the Variety
- b. ☒ Exhibit B. Statement of Distinctness
- c. ☒ Exhibit C. Objective Description of the Variety
- d. ☒ Exhibit D. Additional Description of the Variety (Optional)
- e. ☒ Exhibit E. Statement of the Basis of the Applicant's Ownership
- f. ☒ Voucher Sample (2500 viable untreated seeds or, for tuber propagated varieties verification that tissue culture will be deposited and maintained in an approved public repository)
- g. ☒ Filing and Examination Fee (\$2,450), made payable to "Treasure of the United States" (Mail to PVPO)

17. DOES THE APPLICANT SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY, AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act)

☐ YES (If "yes," answer items 18 and 19 below)☒ No (If "no," go to item 20)

18. DOES THE APPLICANT SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?

☒ Yes☐ No

19. IF "YES" TO ITEM 18, WHICH CLASSES OF PRODUCTION BEYOND BREEDERS SEED?

☒ FOUNDATION☒ REGISTERED☒ CERTIFIED

20. HAS THE VARIETY OR HYBRID PRODUCED FROM THE VARIETY BEEN RELEASED, USED, OFFERED FOR SALE, OR MARKETED IN THE U.S. OR OTHER COUNTRIES?

☐ YES (If "yes," give names of countries and dates)☒ NO

21. The applicant(s) declare that a viable sample of basic seed of the variety will be furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.

The undersigned applicant(s) is (are) the owner(s) of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.

Applicant(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF APPLICANT (Owner(s))

SIGNATURE OF APPLICANT (Owner(s))

NAME (Please print or type)

Ronnie Stapp

NAME (Please print or type)

CAPACITY OR TITLE

CAPACITY OR TITLE

DATE

DATE

**Exhibit A:****Prospect (CDG) Tall Fescue****1. Origin and Breeding History**

'Prospect' (CDG) tall fescue (*Festuca arundinacea* Schreb.) is an advanced generation synthetic cultivar selected from the maternal progenies of twenty-six clones. Two similar, related clones served as added pollen parents. At least nine of the maternal clones contained the fungal endophyte *Neotyphodium coenophialum* (Morgan-Jones and W. Games) Glenn, Bacon, and Hanlin.

All of the parental germplasm of Prospect traces to plants selected from old turfs of the United States and to populations used in the development of 'Rebel' tall fescue (Funk et al., 1981). The plants collected from old turfs were at least one meter in diameter and appeared to have originated from single seedlings which had persisted and spread over a period exceeding thirty years. The origin of the seed used to establish these turfs is unknown. The most useful selections came from New Jersey, Pennsylvania, Maryland, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Tennessee, Kansas, Kentucky, Ohio, Missouri, Texas, and Idaho. Most plants were collected from 1962 to 1980 by turfgrass personnel employed by the New Jersey Agricultural Experiment Station of Rutgers University. These selected plants were evaluated in frequently mowed clonal tests, disease screening trials, and spaced-plant nurseries. Progenies from intercrossing the best performing plants were then subjected to many cycles of population improvement. This involved phenotypic and genotypic recurrent selection combined with population backcrossing when appropriate. Extensive turf trials mowed frequently at 2 cm were used to eliminate plants within single-plant progenies less adapted to turfgrass maintenance. This eventually led to the development of fine-leaved, dense populations with attractive appearance and good performance in many regions. However, evidence suggested that we might develop a cultivar with greater tolerance to severe heat, drought and increased resistance to density associated diseases such as *Pythium* blight and *Rhizoctonia* brown patch, if we selected for a more open but attractive turf. Two single-plant progeny plots from the test planted in 1995 and five from the 1996 test appeared to meet this objective. Four hundred eighty plants were selected from these seven turf plots and transferred to a spaced-plant nursery at Rutgers University Plant

Science Research and Extension Farm at Adelphia, New Jersey following a period of summer stress in 1997. Twenty-eight plants were selected from this nursery immediately prior to anthesis and transferred to large tubs for an isolated pot polycross. This allows re-randomization of plants on a daily basis to help insure uniform cross-pollenization of all clones. Plant selection was based on early maturity, high seed yield potential, freedom from disease and an attractive dark-green color. Seed was harvested from the twenty-six plants with good floret fertility. Seed of each plant was used to establish a turf trial at Adelphia and a spaced-plant nursery at Advanta Seeds Pacific, Albany, Oregon.

In 1998 a seed increase block containing 60 plants of 26 progeny lines (total 1,560 plants), was established. In 1999 negative mass selection was used and 5.19% of the plants were rogued from the population. The remaining plants were harvested in bulk and the seed was used to establish a morphological nursery for Plant Variety Protection (PVP) measurements.

References:

- 1) Funk, C.R., R.E. Engel, W.K. Dickson, and R.H. Hurley. 1981. Registration of Rebel tall fescue. Crop Sci. 21:632.

2. Breeder Seed Maintenance:

A breeder seed block was planted in isolation in 1998. Breeder seed was harvested in bulk (5.19% rogued), in 1999 and is maintained in cold storage. Seed propagation is limited to three generations, one each of foundation, registered, and certified. Foundation fields were planted in 2000.

3. Stability and Uniformity:

Prospect is a stable, uniform cultivar. Stability and uniformity has been observed in breeder and foundation seed multiplications (two generations), seed yield rows, and turf plots. Neither off-type or variant plants have been observed in the multiplication process.

**Exhibit B****Novelty Statement for Prospect (CDG) Tall Fescue**

The following summary outlines the distinctive characteristics of Prospect. The novelty of Prospect is based on the unique combination of these characteristics. Prospect is most similar to SR 8250, but may be differentiated by using the following criteria:

- 1) The heading date of Prospect is at least 4 days earlier than SR 8250 (tables 1A, 1B).
- 2) The anthesis date of Prospect is at least 1 day earlier than SR 8250 (tables 1A, 1B).
- 3) The mature plant height of Prospect is at least 11 cm longer than SR 8250 (tables 1A, 1B).
- 4) Prospect has a panicle length (upper most node of inflorescence to apex) longer than SR 8250 (tables 1A, 1B).
- 5) The length of the flag leaf for Prospect is at least 4.5 cm longer than SR 8250 (tables 1A, 1B).
- 6) The distance between the lower most whorls is at least 5.5 mm longer for Prospect than SR 8250 (tables 2A, 2B).
- 7) The panicle length from the lower most whorl to the tip of the apex is at least 35 mm longer for Prospect compared to SR 8250 (tables 2A, 2B).
- 8) Prospect exhibits a higher frequency of semi-prostrate growth habit than SR 8250 (tables 3A, 3B).
- 9) Prospect contains at least 15 more spikelets per panicle compared to SR 8250 (tables 2A, 2B).

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, AG Box 7630, Jamie L. Whitten Building, Washington, D.C. 20250. When replying, refer to OMB No. 0581-0055 and form number in your letter. Under the PRA of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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**U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY PROGRAM  
PLANT VARIETY PROTECTION OFFICE  
BELTSVILLE, MD 20705**

**EXHIBIT C  
(TALL & MEADOW FESCUES)**

**OBJECTIVE DESCRIPTION OF VARIETY  
TALL & MEADOW FESCUES  
(*Festuca* spp.)**

NAME OF APPLICANT(S) <b>704 Pennington Seeds, Inc.</b> <b>11/17/04 C/O Ronnie Stapp</b>	TEMPORARY DESIGNATION <b>CDG</b>	VARIETY NAME <b>Prospect</b>
ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code)  <b>P.O. Box 290 Madison, Georgia 30650</b>		FOR OFFICIAL USE ONLY VPVO NUMBER  <b>200200057</b>

Place the appropriate number that describes the varietal characteristics of this variety in the boxes below. Use leading zeroes when necessary (e.g. 089). Characteristics described, including numerical measurements, should represent those that are typical for the variety. Measured data should be for SPACED PLANTS. Royal Horticultural Society or any recognized color fan may be used to determine plant colors. Characteristics marked with an asterisk \* are characteristics which should be recorded.

**\* 1. SPECIES: (With comparison varieties, use varieties within the species of the application variety)**

  1   1 = *F. arundinacea* (Tall)

**Turf Types**

1 = Kentucky 31   2 = Rebel   3 = Olympic   4 = Bonanza   5 = Arid   6 = Rebel II  
7 = Shortstop   8 = Silverado   9 = Rebel Jr.   10 = Mini Mustang   11 = Crewcut   12 = Bonsai

**Forage Types**

20 = Kentucky 31   21 = Martin   22 = Forager   23 = Mozark  
24 = Kenhy   25 = AU Triumph   26 = Fawn   27 = Cajun

       2 = *F. pratensis* (Meadow)

30 = Admira   31 = Beaumont   32 = Comtessa   33 = Ensign   34 = Trader

**\* 2. CYTOLOGY:**

  2N=42   Chromosome Number

**3. ADAPTATION: (0 = Not Tested; 1 = Not Adapted; 2 = Adapted)**

  0   Transition Zone     2   West     2   Northeast          Other (Specify): \_\_\_\_\_

**\* 4. MATURITY: (Date First Headed, 10% of Panicle Emergence)**

  5   Maturity Class   1 = Very early (   )   2 = AU Triumph   3 = Early (Fawn)   4 = K31, Kenhy   5 = Medium (Rebel)

5

4. MATURITY: (continued)

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6 = Bonanza

7 = Late (Silverado)

8 = ( )

9 = Very late

Date Headed 32.33 days after April 1

Location Albany, Oregon

\_\_\_\_\_ Days earlier than \_\_\_\_\_  
 Maturity same as \_\_\_\_\_  
 2.66 Days later than 1

} Comparison Variety

\* 5. MATURE PLANT HEIGHT CM: (Average of 100 culms from crown to top of panicle, if panicle is nodding, straighten)

\* INTERNODE LENGTH CM: (First internode subtending the flag leaf)

114.47 cm Height

22.83 cm Internode Length

21.13 cm Shorter than 1  
 Height same as \_\_\_\_\_  
 \_\_\_\_\_ cm Taller than \_\_\_\_\_

} Comparison Variety

\_\_\_\_\_ cm Shorter than \_\_\_\_\_  
 Length same as 1  
 \_\_\_\_\_ cm Longer than \_\_\_\_\_

} Comparison Variety

\* HEIGHT AT EAR EMERGENCE CM: (Flag leaf height from crown to flag leaf node)

53.83 cm Height

23.50 cm Shorter than 1  
 Height same as \_\_\_\_\_  
 \_\_\_\_\_ cm Taller than \_\_\_\_\_

} Comparison Variety

\* 6. GROWTH HABIT: (Mature Plants)

7 1 = Prostrate ( )

3 = Semiprostrate ( )

5 = Horizontal ( )

7 = Semierect (Rebel)

9 = Erect (Mini Mustang)

see table 3

\* 7. RHIZOMES (Psuedo):

\_\_\_\_\_ mm Length X 1 = Absent ( 1 ) 2 = Rare (Rebel) 3 = Common ( )

\* 8. LEAF BLADE: (Tiller leaves/ turf color)

\* 6 Color: 1 = Light green ( ) 2=KY-31 3 = Medium light green ( ) 5 = Green ( )

7 = Medium dark green ( ) 9 = Very dark green ( )

2 Specify rating of comparison variety

\* 1 Anthocyanin: 1 = Absent ( 1 ) 9 = Present ( )

\* 1 Basal Hairs: 1 = Absent ( 1 ) 9 = Present ( )

\* 7 Margins: 1 = Smooth ( 1 ) 5 = Semi-rough ( ) 9 = Rough ( )

8. LEAF BLADE: (continued)

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\* 4 Width Class: 1 = Very coarse ( ) 3 = Coarse ( 1 ) 5 = Medium ( )

7 = Fine ( ) 9 = Very Fine ( )

\* TILLER LEAF LENGTH CM: (First leaf subtending the flag leaf)

\* TILLER LEAF WIDTH MM:

33.67 cm Tiller Leaf Length

9.0 mm Tiller Leaf Width

9.6 cm Shorter than 1

mm Narrower than

Length same as

Width same as 1

cm Taller than

mm Longer than

Comparison Variety

Comparison Variety

FLAG LEAF LENGTH CM:

FLAG LEAF WIDTH MM:

39.5 cm Flag Leaf Length

7.0 mm Flag Leaf Width

9.7 cm Shorter than 1

mm Narrower than

Length same as

Width same as 1

cm Longer than

mm Wider than

Comparison Variety

Comparison Variety

\* 9. LEAF SHEATH: (Basal Portion)

\* Anthocyanin (seedling): 1 = Absent (K31)

9 = Present ( )

\* 9 Auricle Hairiness: 1 = Absent ( )

9 = Present ( ) 85% See table 4

\* 10. PANICLE: (At seed maturity except where noted.)

\* 5 Shape: 1 = Narrow-tapering ( ) 5 = Ovate ( ) 7 = Oblong ( 1 ) 9 = Other (specify)

\* 6 Type: 1 = Compact (appressed) 5 = Intermediate ( ) 7 = Open ( 1 ) 9 = Other (specify)

\* 9 Orientation: 1 = Nodding ( ) 5 = KY-31 9 = Erect ( )

\* 1 Branch Pubescence: 1 = Glabrous ( 1 ) 9 = Pubescent ( )

\* 1 Anther Color (At anthesis): 1 = Yellowish Green 2 = Green 3 = Bluish Green  
4 = Purplish 5 = Reddish 6 = Other (Specify)

\* 1 Glume Color (At anthesis): 1 = Yellowish Green 2 = Green 3 = Bluish Green  
4 = Purplish 5 = Reddish 6 = Other (Specify)

\* 83 3 cm Panicle Length (from base to tip, if nodding, straighten; after anthesis)

6.17 cm Shorter than 1

Length same as

cm Longer than

Comparison Variety



} Comparison Variety

} Comparison Variety           mm Narrower than      } Comparison Variety  
    Width same as   1   }  
 } Comparison Variety           mm Wider than      } Comparison Variety

} Comparison Variety

## Other Nematode \_\_\_\_\_

5 Shade Stress      1 = Susceptible ( )      5 = Tolerant ( 1 )      9 = Resistant ( )

## 13. ENVIRONMENTAL STRESS: (continued)

\_5\_ Winter Stress      1 = Susceptible ( )      5 = Tolerant ( 1 )      9 = Resistant ( )

14. GIVE VARIETY OR VARIETIES THAT MOST CLOSELY RESEMBLE THE APPLICATION VARIETY. For the following characteristics, indicate the degree of resemblance with the following scale:

1 = Application variety is less than comparison variety   2 = Same as   3 = More than, better, greater, darker, etc.

Character	Varieties	Rating	Character	Varieties	Rating
Leaf Width	KY-31	1	Leaf Color	KY-31	3
Panicle Color	KY-31	2	Panicle Shape	KY-31	3
Seed Size	KY-31	1	Cold Injury	KY-31	2
Winter Color	KY-31	3	Heat	KY-31	3
Disease	KY-31	3			

\* 15. EXPERIMENTAL: Give a brief summary of the experimental design utilized to collect the data used on this form. Cultural conditions, number of plants measured and plant spacing must be specified.

A morphological nursery designated 99PVPFA1 was established in September of 1999, in Albany, Oregon. Experimental design consisted of 9 entries; 4 replications per entry; 20 plants per replication; for a total of 80 plants per entry. KY-31 and SR 8250 were used as standards. Plants were established on 2.5 foot centers with a skip row between replications and between entries.

The nursery received 30 pounds of nitrogen per acre rate following establishment and 50 pounds of nitrogen per acre per year in 2000 and 2001. The fertilizer source was 15-15-15 and was applied as a split application with ½ applied in the spring and ½ in the fall. The nursery was sprayed twice each spring, 3 weeks between applications, with Tilt (2 oz/acre rate), to prevent stem rust. One pound of Karmex per acre rate was applied during late summer to prevent emergence of volunteer seedlings.

Data was analyzed using analysis of variance for a randomized complete block design. Means were calculated for each replication and then analyzed.

**Exhibit D:****Additional Description****Prospect Tall Fescue**

Prospect is an improved turf-type tall fescue. It exhibits a dwarf growth habit and a dark green color compared to KY-31 (tables 1A, 1B). Prospect is of medium maturity with a heading date earlier than SR 8250, but later than KY-31 (tables 1A, 1B). The morphological characteristic flag leaf length differ from both SR 8250 and KY-31 (tables 1A, 1B). The panicle characteristics panicle length from upper most node to tip of apex, spikelets per panicle, and length of the panicle from lower most whorl to tip of apex differ from both SR 8250 and KY-31 (tables 1A, 1B, 2A, 2B).

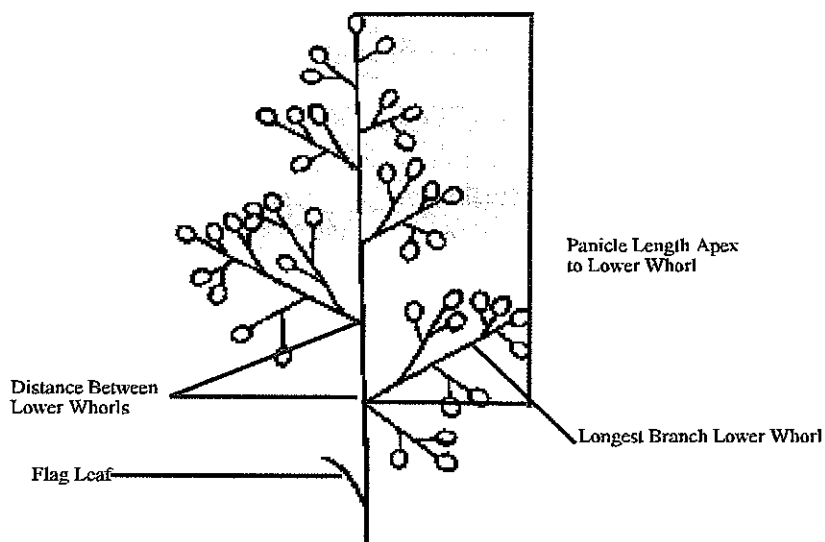
**Panicle Type Inflorescence****Illustration 1.**

Table 1A  
2000 Morphological Data

Cultivar	Heading Date (days after April 1)	Anthesis Date (days after April 1)	Genetic Color	Mature Plant Height (cm)	Plant Width (cm)	Panicle Length (cm)	Flag Leaf Length (cm)	Flag Leaf Width (cm)	Flag Leaf Height (cm)	Flag Leaf Sheath Length (cm)	Flag Leaf Internode Length (cm)	Leaf Blade Length (cm)	Leaf Blade Width (cm)	Leaf Blade Height (cm)	Leaf Sheath Length (cm)
Prospect (CDG)	32.33	62.67	5.00	114.47	20.93	83.30	39.50	7.00	53.83	25.33	22.83	33.67	9.00	18.97	13.10
SR 8250	36.33	63.67	5.00	102.87	19.80	73.93	34.97	6.00	51.00	24.17	22.23	31.00	8.00	17.73	12.67
KY-31	29.67	59.33	2.00	135.60	22.90	89.47	49.20	7.00	77.33	33.97	28.53	43.27	9.67	33.47	18.63
LSD	1.20	0.80	0.43	5.61	2.29	4.58	2.62	1.31	4.81	1.77	1.70	2.61	0.82	2.43	1.06
C.V.	2.53	0.90	6.57	3.53	7.89	4.01	4.66	14.58	6.09	4.72	5.20	5.45	6.85	8.43	5.42

Measurements taken in Albany, Oregon; 4 reps; 20 plants/rep = 80 data points

■ Cultivar under evaluation

■ significant difference over two years one location.

■ significant difference over one year one location.

Table 1B  
2001 Morphological Data

Cultivar	Heading Date (days after April 1)	Anthesis Date (days after April 1)	Genetic Color	Mature Plant Height (cm)	Plant Width (cm)	Panicle Length (cm)	Flag Leaf Length (cm)	Flag Leaf Width (mm)	Flag Leaf Height (cm)	Flag Leaf Sheath Length (cm)	Flag Leaf Internode Length (cm)	Leaf Blade Length (cm)	Leaf Blade Width (mm)	Leaf Blade Height (cm)	Leaf Sheath Length (cm)
Prospect (CDG)	28.67	57.67	5.67	112.40	30.40	72.27	43.70	5.00	64.87	25.97	24.50	42.40	5.67	30.90	16.57
SR 8250	34.67	59.00	5.67	101.13	30.43	62.20	38.50	4.33	61.13	24.23	23.33	38.10	5.33	32.10	15.50
KY-31	24.33	56.33	2.00	136.13	31.70	80.13	52.97	6.33	88.20	34.43	24.77	55.63	8.33	51.77	22.80
LSD 5%	2.43	0.81	0.47	5.94	1.41	4.00	3.80	0.87	4.96	1.95	1.62	3.03	0.62	4.70	1.30
C.V.	2.83	0.98	6.48	3.84	3.28	4.06	6.38	12.53	5.40	5.25	4.87	5.15	7.31	10.19	5.48

Measurements taken in Albany, Oregon; 4 reps; 20 plants/rep = 80 data points

■ Cultivar under evaluation

■ significant difference over two years one location.

■ significant difference over one year one location.

Table 2A  
2000 Laboratory Morphological Data

Cultivar	Lemma Length (mm)	Lemma Width (mm)	Lemma Awn Length (mm)	Palea Length (mm)	Palea Width (mm)	Glume Length (mm)	Florets per Spikelet	Spikelet Length (mm)	Length of Longest Whorl (mm)	Distance Between Lower Most Whorls (mm)	Number of Spikelets on the Longest Whorl	Spikelets per Panicle	Length of Panicle From Lower Most Whorl to Tip (mm)
Prospect (CDG)	4.57	1.17	1.60	4.53	1.17	4.17	7.67	13.03	101.07	62.40	14.67	79.33	227.67
SR 8250	4.57	1.17	1.80	4.60	1.13	4.30	8.67	13.47	88.50	56.53	11.33	63.67	192.33
KY-31	4.63	1.17	1.53	4.87	1.20	4.60	8.67	15.10	123.93	77.40	15.33	99.00	301.33
LSD	0.37	0.09	0.25	0.27	0.08	0.33	0.86	0.83	16.38	5.81	3.41	14.31	28.55
C.V.	5.79	5.25	10.60	4.17	4.80	5.41	7.62	4.56	11.28	6.66	16.84	12.22	8.66

Measurements taken in Albany, Oregon; 4 reps; 20 plants/rep = 80 data points

■ Cultivar under evaluation

■ significant difference over two years one location.

■ significant difference over one year one location.

Table 2B  
2001 Laboratory Morphological Data

Cultivar	Lemma Length (mm)	Lemma Width (mm)	Lemma Awn Length (mm)	Palea Length (mm)	Palea Width (mm)	Glume Length (mm)	Florets per Spikelet	Spikelet Length (mm)	Length of Longest Whorl (mm)	Distance Between Lower Most Whorls (mm)	Number of Spikelets on the Longest Whorl	Spikelets per Panicle	Length of Panicle From Lower most Whorl to Tip (mm)
Prospect (CDG)	5.17	1.37	2.30	6.27	1.23	4.60	3.67	9.90	79.83	56.00	13.00	83.67	237.33
SR 8250	4.90	1.37	2.47	6.27	1.23	4.57	4.33	10.03	72.60	46.30	11.00	63.00	191.33
KY-31	5.80	1.37	2.13	7.07	1.27	5.17	4.33	11.13	97.53	65.53	13.67	103.67	291.00
LSD	0.46	0.08	0.37	0.25	0.07	0.24	0.57	0.53	7.86	4.44	1.97	9.06	19.02
C.V.	6.57	3.99	11.57	2.79	4.02	3.66	10.25	3.92	6.97	5.99	11.50	7.86	5.89

Measurements taken in Albany, Oregon; 4 reps; 20 plants/rep = 80 data points

■ Cultivar under evaluation

■ significant difference over two years one location.

■ significant difference over one year one location.

Table 3A 2000 Additional Morphological Measurements of the Panicle

Cultivar	Growth Habit at Anthesis % Prostrate	Growth Habit at Anthesis % Semi- Prostrate	Growth Habit at Anthesis % Erect	Anther Color % Purple	Panicle Color % Purple	Lemna Awn % Present	Glueme Color % Purple	Panicle Orientation % Nodding	Panicle Shape % Oblong	Panicle Type % Open	Panicle Branch Pubescence % Present	Branch Lower Whorl =1	Branch Lower Whorl =2	Branch Lower Whorl =3	Branch Lower Whorl =4	Branch Lower Whorl =5
Prospect (CDG)	0	32	68	15	30	100	3	10	32	32	0	17	65	13	3	2
SR 8250	0	18	82	8	20	100	5	5	25	25	0	15	85	0	0	0
KY-31	0	87	13	13	28	100	12	32	23	23	0	10	72	15	3	0

Measurements taken in Albany, Oregon

4 reps; 20 plants/rep = 80 data points

■ Cultivar under evaluation

Table 3B 2001 Additional Morphological Measurements of the Panicle

Cultivar	Growth Habit at Anthesis % Prostrate	Growth Habit at Anthesis % Semi- Prostrate	Growth Habit at Anthesis % Erect	Anther Color % Purple	Panicle Color % Purple	Lemna Awn % Present	Glueme Color % Purple	Panicle Orientation % Nodding	Panicle Shape % Oblong	Panicle Type % Open	Panicle Branch Pubescence % Present	Branch Lower Whorl =1	Branch Lower Whorl =2	Branch Lower Whorl =3	Branch Lower Whorl =4	Branch Lower Whorl =5
Prospect (CDG)	2	50	48	3	28	100	2	3	22	22	0	35	62	3	0	0
SR 8250	3	22	75	3	17	100	2	0	20	20	0	32	63	3	2	0
KY-31	10	48	42	0	20	100	2	53	50	50	0	22	73	3	2	0

Measurements taken in Albany, Oregon

4 reps; 20 plants/rep = 80 data points

■ Cultivar under evaluation

Table 4A 2000 Additional Morphological Measurements of the Leaf Blade

Cultivar	Anthocyanin Present in the Leaf Blade % Purple	Leaf Blade Margin Roughness to Touch % Smooth	Leaf Blade Margin Roughness to Touch % Semi-Rough	Leaf Blade Margin Roughness to Touch % Rough	Leaf Blade Margin Hairs % Present	Leaf Sheath Auricle Hairs % Present	Node Color % Dark	Lemna Awn % Present	Lemna Hairs % Present	Palea Hairs % Present	Rhizomes % Present	Seed Weight (mg per 1,000 seeds)
Prospect (CDG)	0	25	12	63	100	85	8	100	0	100	0	2947
SR 8250	0	20	37	43	100	82	10	100	0	100	0	2019
KY-31	0	75	18	7	100	80	77	100	0	100	0	2930

Measurements taken in Albany, Oregon  
 4 reps; 20 plants/rep = 80 data points  
 ■ Cultivar under evaluation

Table 4B 2001 Additional Morphological Measurements of the Leaf Blade

Cultivar	Anthocyanin Present in the Leaf Blade % Purple	Leaf Blade Margin Roughness to Touch % Smooth	Leaf Blade Margin Roughness to Touch % Semi-Rough	Leaf Blade Margin Roughness to Touch % Rough	Leaf Blade Margin Hairs % Present	Leaf Sheath Auricle Hairs % Present	Node Color % Dark	Lemna Awn % Present	Lemna Hairs % Present	Palea Hairs % Present	Rhizomes % Present	Seed Weight (mg per 1,000 seeds)
Prospect (CDG)	0	92	7	2	95	100	18	100	0	100	0	3010
SR 8250	0	88	7	5	85	90	17	100	0	100	0	2843
KY-31	0	80	10	10	87	87	28	100	0	100	0	3422

Measurements taken in Albany, Oregon  
 4 reps; 20 plants/rep = 80 data points  
 ■ Cultivar under evaluation

U.S. DEPARTMENT OF AGRICULTURE  
 AGRICULTURAL MARKETING SERVICE  
 SCIENCE AND TECHNOLOGY DIVISION - PLANT VARIETY PROTECTION OFFICE

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

## EXHIBIT E

### STATEMENT OF THE BASIS OF OWNERSHIP

1. NAME OF APPLICANT(S) <b>524</b> <b>11/17/04</b> Pennington Seeds, Inc	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER  CDG	3. VARIETY NAME  Prospect
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)  P.O. Box 290 Madison, GA 30650	5. TELEPHONE (include area code)  (404) 342 - 1234	6. FAX (include area code)  (404) 342 - 9644
7. PVPO NUMBER <b>200200057</b>		

8. Does the applicant own all rights to the variety? Mark an "X" in appropriate block. If no, please explain.

☒ YES ☐ NO

9. Is the applicant (individual or company) a U.S. national or U.S. based company?  
 If no, give name of country \_\_\_\_\_

☒ YES ☐ NO

10. Is the applicant the original breeder? If no, please answer the following:

a. If original rights to variety were owned by individual (s):

☒ YES ☐ NO

Is (are) the original breeder(s) a U.S. national(s)? If no give name of country \_\_\_\_\_

☒ YES ☐ NO

b. If original rights to variety were owned by a company:

Is the original breeder(s) U.S. based company? If no give name of country \_\_\_\_\_

11. Additional explanation on ownership (If needed, use reverse for extra space):

#### PLEASE NOTE:

Plant variety protection can be afforded only to owners (not licensees) who meet one of the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original breeder, both the original breeder and the applicant must meet one of the above criteria.

The original breeder may be the individual or company who directed final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definition.

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STD-470-E (03-96)